

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 27, 1973  
10:00 A.M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Dryden, Binder, Lebermann, Handcox,  
Mayor Butler  
Absent: Councilman Friedman, Mayor Pro Tem Love

The Invocation was delivered by FATHER RICHARD McCABE, Catholic Charity, in special recognition to Mrs. Marvin D. Love, Mayor Pro Tem Love's mother who died.

APPROVAL OF MINUTES

Councilman Lebermann moved the Council approve the Minutes of the Regular Meeting of September 20, 1973. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Binder, Lebermann, Handcox, Mayor Butler  
Noes: None  
Absent: Councilman Friedman, Mayor Pro Tem Love

DO YOUR BEST WEEK

Mayor Butler recognized two young ladies in "Do Your Best Week", urging Austin citizens to conserve the use of electrical energy. Today special recognition goes to Miss Melody Parker who is one of the recipients of a \$25 Savings Bond because her poster was chosen. Miss Lorraine Hobby also had a very nice poster and received a \$25 Savings Bond.

Mayor Butler announced that the Jaycees had spearheaded the conservation effort of the City and had distributed 7,500 posters throughout the business community this week. He showed the Certificate which was to be presented to the Jaycees, who will distribute them.

## COUNCIL AIDE

Councilman Handcox announced that his very capable Aide, Mr. Larry Williams, is leaving the City as of October 5th and has been employed by the Austin Independent School District. He regretted to see Mr. Williams leave, however, this new venture will be a wonderful opportunity for Larry. Councilman Handcox then introduced Mrs. Lorraine Yancey who will replace Larry.

## SHARE A SONG WEEK

Councilman Binder read a Proclamation expressing the part music plays in one's life, and that "Share a Song Week" is about to be celebrated by 23,000 women in over 570 chapters of the International four-part harmony organization of Sweet Adelines, Inc. Mayor Butler proclaimed the week of October 1-6, 1973, as "SHARE A SONG WEEK."

## GERMAN DAY

Mayor Butler greeted the people appearing in the interest of "German Day" on its 289th Anniversary.

The Mayor read in part the Proclamation pointing out that residents of Austin will join with others over the United States in celebrating the 289th anniversary of the establishment of the first German colony on American soil since October 1683. Since then, descendants of those first settlers have observed the anniversary of that first landing and the custom is now a nation-wide observance. The document cited the contributions to welfare and advancement of the United States. Special honor was paid to the Texas pioneers of German decent and the "Texas German Day Council" who distinguished themselves in the field of education.

Mayor Butler proclaimed Sunday, October 14, 1973, as GERMAN DAY in Austin and urged all citizens to join with their neighbors and friends of German descent in giving due recognition to their contributions.

## TOASTMASTERS WEEK

Mayor Butler recognized a great number of people in the audience in the interest of Toastmasters Week, and he read the proclamation in full citing effective speech as a most valuable talent a person develops, and noting the important contributions to the public through the Toastmasters Clubs. He proclaimed October 1 through 7, 1973, as TOASTMASTERS WEEK, urging all citizens to participate in this observance.

## RESOLUTIONS OF RECOGNITION

Father Fred Underwood, Chairman of the Community Action Board, read two Resolutions adopted at their last board meeting: (1) that the Administering Board of the Community Action commend the City Council, Human Relations Commission, and the City Manager for their efforts to eradicate discrimination, and that the Board offer its services as may be helpful to assist the City and its Administration;

(2) and Father Underwood read another Resolution that the Administering Board of the Community Action Department unite to express its heartfelt gratitude to the Council, the City Manager, and the City's Administrative forces for their efforts and acts above recited; and that the Administering Board offers its time and resources to assist the Council, City Manager, and Administrative forces in the furtherance of improving the conditions of all citizens of Austin.

#### FIELD LIGHTS

Councilman Handcox moved that the Council direct that the field lights be turned on for night football, softball and tennis games. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes:	Councilmen Binder, Lebermann, Handcox, Dryden
Noes:	None
Out of Room at	
Roll Call:	Mayor Butler
Absent:	Councilman Friedman, Mayor Pro Tem Love

#### LICENSE AGREEMENT POSTPONED

The Council, at the request of City Manager Davidson postponed the granting of a license agreement for use of the following:

DOCTORS SIDNEY WHITE and SYLVESTER BRADFORD - proposed encroachment of an office building into a ten (10.00) foot waste water easement across Lot 1, F. Wilhelm, Sr. Subdivision. (Applicant: Richard E. Scott, attorney for the owners, Doctor Sidney White and Doctor Sylvester Bradford)

#### EASEMENT RELEASED

Councilman Lebermann moved the Council adopt a resolution authorizing release of the following easement:

Ten (10.00) foot drainage easement along the southeast line of Lot 22, Manor Hills, Section 2. (requested by M. E. Chatham, agent for the owner, Odelle LaBauve)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes:	Councilmen Binder, Lebermann, Handcox, Mayor Butler, Councilman Dryden
Noes:	None
Absent:	Mayor Pro Tem Love, Councilman Friedman

#### SUPPLEMENT TO AGREEMENT

Councilman Lebermann moved the Council approve by motion a Supplement to the Professional Services Agreement for the Walnut Creek Wastewater Treatment

Facilities Project, Capital Improvements Program Project No. 5902 0, between the City of Austin and the joint venture engineers of Black and Veatch and S. A. Garza Engineers, dated July 26, 1971, and approved by the Council on June 17, 1971, to include the following project:

Walnut Creek Substation Site Improvements  
Walnut Creek Wastewater Treatment Facilities Site  
(Walnut Creek and East 19th Street) Project No. 3544 1.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler, Councilmen  
Dryden, Binder

Noes: None

Absent: Mayor Pro Tem Love, Councilman Friedman

#### PARKING METER ZONES

Councilman Handcox moved the Council adopt a resolution approving the following:

- a. Deletion of old Parking Meter Zones
- b. Installation of the following parking meter zone:

#### Airport Zone

Lantana Drive	3500	South
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The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Binder,  
Lebermann,

Noes: None

Absent: Mayor Pro Tem Love, Councilman Friedman

#### CONTRACTS AWARDED

Councilman Binder noted two companies, BLACK SIVALLS & BRYSON, INC., and BROWN-DAVIES ELECTRONIC CORPORATION, and asked why the bids were not advertised in the newspaper, but were sent only to the manufacturers. Deputy City Manager Reed reported that they were replacing the original equipment in the respective plants and there was only one manufacturer of the equipment needed for replacement.

Councilman Lebermann moved the Council adopt a resolution awarding the following contract:

GORBET LAWN SPRINKLER SERVICE  
Austin, Texas

For the Irrigation System Improvements  
at the South First Street Service Yard  
\$7,660.04

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann, Handcox  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

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Councilman Lebermann moved the Council adopt a resolution awarding the following contract:

HENSEL-PHELPS  
CONSTRUCTION COMPANY  
Austin, Texas

Capital Improvements Program Project  
Numbers 6523 0, 4058 9 and 5066 4)  
For Street Improvements South 1st  
Street Bridges (3) at Williamson  
Creek - Contract Number 72-Pb-122 -  
\$761,327.51

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann, Handcox  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

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Councilman Lebermann moved the Council adopt a resolution awarding the following contract:

E. E. STUESSY COMPANY INC.  
Austin, Texas

15th Street Underground Ductline  
Extension - \$32,163.00

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann, Handcox  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

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Councilman Lebermann moved the Council adopt a resolution awarding the following contract:

BLACK SIVALLS & BRYSON INC.  
Dallas, Texas

Bid Invitation #3-1586  
Fuel Oil Heater for Holly Power Plant  
\$35,821.00

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann, Handcox  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

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Councilman Lebermann moved the Council adopt a resolution awarding the following contract:

BROWN-DAVIES ELECTRONIC  
CORPORATION  
Houston, Texas

Bid Invitation #3-1442  
Audio Communication System for  
Seaholm Power Plant - \$5,457.10

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann, Handcox  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

Councilman Lebermann moved the Council adopt a resolution awarding the following contract:

E. M. SERGEANT PULP &  
CHEMICAL CO., INC.  
New York, New York

Bid Invitation #3-1687  
Ferrous Sulfate (Copperas) Twelve (12)  
months Supply Agreement with a three  
(3) months extension option - 400 tons  
@ \$50.46/ton - \$20,184.00 Total

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann, Handcox  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

Councilman Lebermann moved the Council adopt a resolution awarding the following contract:

DIAMOND SHAMROCK  
CHEMICAL CO.  
Houston, Texas

Bid Invitation #3-1635  
Liquid Chlorine, in 1 ton cylinders -  
Twelve (12) months Supply Agreement  
with a three (3) months extension  
option - 890 tons @ \$110.06/ton -  
\$97,953.40 Total

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann, Handcox  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

Councilman Lebermann moved the Council adopt a resolution awarding the following contract:

SARGE'S TREE SURGERY  
Austin, Texas

Bid Invitation #3-1790  
Removal of dead limbs and trees from  
City Parks - Items 2, 5, 6 and 8 -  
\$8,960.00  
Rejected Items 1, 3 and 4

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann, Handcox  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

#### ONE-WAY ALLEYS

Councilman Lebermann moved the Council adopt a resolution approving the following:

- a. Deletion of one-way alley between W. 14th Street and W. 15th Street from Lavaca Street to West Avenue - Westbound
- b. Establish one-way alley between W. 14th Street and W. 15th Street from Colorado Street to West Avenue - Westbound

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Binder, Lebermann, Handcox, Mayor Butler  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

#### SALE OF SURPLUS REAL PROPERTY

Councilman Lebermann moved the Council adopt a resolution approving certain bids and rejecting all other bids for the sale of surplus real property. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Binder, Lebermann, Handcox, Mayor Butler, Councilman Dryden  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

#### EXTENSION OF CONTRACT

Councilman Dryden moved the Council adopt a resolution authorizing extension for twelve months of Agreement between the City of Austin for Brackenridge Hospital, School of Nursing and Texas Department of Mental Health-Mental Retardation, and Austin State Hospital, which provides for educational experiences required for Psychiatric Nursing Fundamentals required as part of the training of Diploma Nursing Students at Brackenridge Hospital. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler, Councilmen  
Dryden, Binder  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

#### PUBLIC HEARING SET

Councilman Handcox moved the Council approve by motion to set a public hearing on October 4, 1973 at 10:00 A.M. for the following amendment to the Austin Development Plan:

An area of approximately 65 acres requested by Mr. Aaron Kruger for a change in land use designation from Low Density Residential to Commercial Services and Semi-Industrial Uses, located at the northwest intersection of Springdale Road and U.S. Highway 290 East. File No. C2-73-1(1).

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Binder, Lebermann  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

#### CASH SETTLEMENTS

Councilman Lebermann moved the Council adopt a resolution authorizing 60/40% cash settlements as follows:

- a. EDMUND J. REVELL and DOYLE HICKERSON - for a sewer service installation at Brykerwoods, Resub. of Tract C. Estimated cost of sewer service installation is \$460.00 - Owner's share @ 40% is \$184.00, City's share @ 60% is \$276.00.
- b. WILLIAM H. HOWLE - for wastewater service installation at Ole' 1. Estimated cost of wastewater service installation is \$450.00 - Owner's share @ 40% is \$180.00, City's share @ 60% is \$270.00.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Lebermann, Handcox  
Noes: Councilman Binder  
Absent: Mayor Pro Tem Love, Councilman Friedman

#### SUBSTANDARD STRUCTURES

Councilman Lebermann moved the Council approve the recommendations from the Building Standards Commission and authorize the Legal Department to take proper legal disposition of the following substandard structures which have not been



repaired or demolished within the required time:

- a. 2000 Haskell Street John C. Wheeler
- b. 1127 Concho Street Julia Joseph Sawyer

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Binder, Lebermann, Handcox, Mayor Butler  
 Noes: None  
 Absent: Mayor Pro Tem Love, Councilman Friedman

#### SALE OF STRUCTURE

Councilman Lebermann moved the Council adopt a resolution approving sale of structure in Brackenridge Project, Tex A-11-1, as follows:

Parcels 9-1(a) and	Texas Municipal Retirement	\$95,000.00
9-1(b)	System	

Minimum acceptable sales price: \$93,800.00

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Binder, Lebermann, Handcox, Mayor Butler,  
 Councilman Dryden  
 Noes: None  
 Absent: Mayor Pro Tem Love, Councilman Friedman

#### APPLICATION FOR FUNDS

Councilman Lebermann moved the Council adopt a resolution authorizing application for \$436,800 in federal funds from the Office of Economic Opportunity. Funds will be used for continuation of Community Action programs from November 1, 1973 through October 31, 1974. Total Project cost is \$546,000 - OEO \$436,800; In-kind services \$109,200. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler, Councilmen  
 Dryden, Binder  
 Noes: None  
 Absent: Councilman Friedman, Mayor Pro Tem Love

#### PAYMENT FOR INTEREST

Councilman Handcox moved the Council adopt a resolution authorizing payment to Austin Independent School District for twenty-five percent (25%) interest in five school playground areas (Barton Hills, Lucy Read, Wooldridge, Norman, and Pillow Elementary Schools) according to City and Austin Independent School District Joint 1960 Agreement. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Binder, Lebermann  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

#### FUEL OIL PURCHASES

Councilman Lebermann moved the Council adopt a resolution confirming the purchases of emergency fuel oil for the Electric Utility Department. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Binder, Lebermann, Handcox  
Noes: None  
Out of Room at  
Roll Call: Councilman Dryden  
Absent: Mayor Pro Tem Love, Councilman Friedman

#### ZONING CASE REINSTATED

Councilman Dryden moved the Council grant Mr. William Terry Bray, on behalf of Mr. Douglas Duwe, his request for a reinstatement of Zoning Case No. C14-72-181 pertaining to Tracts 2 and 3 which was dismissed by the Council September 6, 1973. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Binder, Lebermann, Mayor Butler  
Noes: None  
Out of Room at  
Roll Call: Councilman Handcox  
Absent: Mayor Pro Tem Love, Councilman Friedman

#### USE OF CITY PROPERTY

Councilman Lebermann moved the Council grant Mr. Johnny Johnson, President of the South Austin Optimist Club, his request for the use of city property located at 200 South Lamar for the Optimist Club Christmas tree sales from the week of Thanksgiving through Christmas. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Lebermann, Handcox, Mayor Butler, Councilman Dryden  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

#### STREET BANNER

Councilman Lebermann moved the Council grant Mr. Ted White, Manager Tourism Department, Austin Chamber of Commerce, his request for the approval of the installation of one street banner at 1200 South Lamar in connection with the

Central Texas Boat and Camper Show, from January 14 through January 28, 1974. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler, Councilmen Dryden, Binder  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

#### CITY BUILDINGS AS POLLING PLACES

Councilman Lebermann moved the Council grant Mrs. Doris Shropshire, County Clerk Travis County, use of the following City buildings for polling places for November 6, 1973 Constitutional Amendments Election: Doris Miller Auditorium, City of Austin Communications Building, Ullrich Water Treatment Plant, Austin Recreation Center and City of Austin Fire Station at 506 W. 19th Street. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Binder, Lebermann  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

#### PARADE PERMIT

Councilman Lebermann moved the Council grant Mr. Gerald W. Hill a parade permit for United Cerebral Palsy of the Capitol Area, for November 3, 1973 from 8:30 A.M. to 4:30 P.M. They will assemble at the State Farm Insurance parking lot, North on IH 35 access road to Pflugerville High School and return on IH 35 access road south to Rundberg Lane overpass, cross over IH 35 to State Farm parking lot. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann  
Noes: None  
Out of Room at Roll Call: Councilman Handcox  
Absent: Mayor Pro Tem Love, Councilman Friedman

#### AMENDMENT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 31 OF THE AUSTIN CITY CODE OF 1967; ADDING A SECTION TO THE EXISTING ARTICLE; ESTABLISHING STANDARDS FOR DECLARING CERTAIN PERSONAL PROPERTY TO BE JUNKED AND A PUBLIC NUISANCE; PROVIDING A COMPREHENSIVE PROCEDURE FOR THE IMPOUNDMENT AND DISPOSITION OF ALL SUCH PROPERTY; MAKING IT UNLAWFUL FOR ANY PERSON TO INTERFERE WITH OR ATTEMPT TO PREVENT THE IMPOUNDING OF A JUNKED VEHICLE UNDER THIS ARTICLE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Binder, Lebermann, Handcox, Mayor Butler  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

#### AD VALOREM TAXES

Mayor Butler introduced the following ordinance:

AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE CITY OF AUSTIN, TEXAS, FOR THE YEAR 1973; AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED; DIRECTING THE ASSESSMENT AND COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Binder, Lebermann, Handcox, Mayor Butler, Councilman Dryden  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

#### REFUND CONTRACTS

Mayor Butler brought up the following ordinance for its first reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH WOOD SHADOWS APARTMENTS, LTD. AND JESS WEBB AND BILLY C. DAVIS.

The ordinance was read the first time and Councilman Lebermann moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler, Councilman Dryden  
Noes: Councilman Binder  
Absent: Mayor Pro Tem Love, Councilman Friedman

The following refund contracts were postponed at this time:

NORWAL, INC.  
Jerry N. Wallace,  
President

For water and sewer mains in Quail  
Creek West, Phase 2, Section 11 -  
\$19,521.06 (Postponed from Septem-  
ber 20, 1973)

NORWAL, INC.  
Jerry N. Wallace,  
President

For water and sewer mains in Quail  
Creek West, Phase 2, Section 10 -  
\$50,688.97 (Postponed from Septem-  
ber 20, 1973)

#### REFUND CONTRACT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A  
CERTAIN REFUND CONTRACT WITH JESS WEBB AND BILLY C. DAVIS;  
SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON  
THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Binder,  
Lebermann

Noes: None

Absent: Mayor Pro Tem Love, Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND  
CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER  
45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOT 1, H. S. R. SUBDIVISION II, LOCALLY KNOWN AS 4000-4110  
SPICEWOOD SPRINGS ROAD, FROM INTERIM "A" RESIDENCE, INTERIM  
FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST  
HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN,  
TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING  
OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann, Handcox  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

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Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 4 LESS THE SOUTH TEN FEET, BLOCK B, NORTH PLAINS SUBDIVISION, LOCALLY KNOWN AS 2206 ANDERSON LANE, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Binder, Lebermann, Handcox, Mayor Butler  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

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Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: TRACT 1: A 35,404 SQUARE FOOT TRACT OF LAND, FROM "B" RESIDENCE DISTRICT TO "D" INDUSTRIAL DISTRICT; AND, TRACT 2: A 1,458 SQUARE FOOT TRACT OF LAND, FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; LOCALLY KNOWN AS 1700-1710 EAST 4TH STREET; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Lebermann, Handcox, Mayor Butler, Councilman Dryden  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

## REFUND CONTRACT

Mayor Butler brought up the following ordinance for its third reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH WEST-LEACH, INCORPORATED AND L. A. FELDER, INCORPORATED; AND BUCKINGHAM RIDGE DEVELOPMENT COMPANY, JOINT VENTURE.

The ordinance was read the third time and Councilman Lebermann moved that the ordinance be finally passed. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler, Councilman Dryden  
Noes: Councilman Binder  
Absent: Mayor Pro Tem Love, Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

## ZONING ORDINANCE

Mayor Butler brought up the following ordinance for its second reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: LOT 2, RESEARCH PLAZA, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 1.75 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: A 3.16 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; LOCALLY KNOWN AS 8153-8213 RESEARCH BOULEVARD; THE REAR OF 8153-8213 RESEARCH BOULEVARD; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY.

The ordinance was read the second time and Councilman Handcox moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handcox, Dryden, Binder, Lebermann  
Noes: None  
Present But Not Voting: Mayor Butler  
Absent: Mayor Pro Tem Love, Councilman Friedman

APPROVAL OF EXTENSION OF CONTRACT WITH CENTRAL TEXAS  
MEDICAL FOUNDATION PENDING AUDIT AND COMPLETION OF NEGOTIATIONS

Councilman Dryden stated this is an extension of about 60 days and he recommended the approval. Councilman Handcox moved the Council approve the extension of the contract with the Central Texas Medical Foundation. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann, Handcox  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

Councilman Lebermann asked why the extension was for such a short time. Councilman Dryden stated the Foundation did not have a lot of their specific plans and financial requirements beyond that. Money appropriated by the Council about four months ago had not been used, as Councilman Dryden had anticipated. When the program was started it was new and the Doctors' organization now is running the whole activity, collecting, billing, etc. He also anticipated that this would cost less money than the City had appropriated. Councilman Dryden outlined the present personnel. The two doctors who had been operating the medical program under contract as of September 1 are continuing the operation, but without pay. As to the collection, Councilman Dryden reported they were collecting about 70%.

In response to Councilman Lebermann's inquiry, Mr. Will Brown, Administrator of Brackenridge Hospital, said he would have a report right after October 1st on the collections for the emergency room. He did make a report at this time stating that during the first month and a half, their collections had exceeded \$62,000 in the City's behalf. Of that sum, \$22,000 is not shared in the Foundation's percentage, as they would get their 40% out of \$42,000. Mr. Brown was pleased with the excellent relationship and he found them to be very professional.

APPROVAL AND ADOPTION OF 1973 TAX ROLLS

Councilman Lebermann, in discussion of the 1973 tax rolls, noted there was \$8,000,000 over the Manager's estimate at budget time. He pointed out there would be needed an additional \$75,000 for the General Fund, and about \$100,000 overall. Councilman Lebermann moved the Council adopt the resolution approving the 1973 tax rolls, showing a total amount of \$1,459,242,580 valuation for the year 1973. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Binder, Lebermann, Handcox, Mayor Butler  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

Mayor Butler made a recapitulation of what this budget really amounts to for the City.

1. A \$112 million budget, the largest budget in the history of the City of Austin.



2. No tax increase, yet maintaining the two-cent cut last year, in spite of two unforeseen items: (a) the Homestead Exemption for Senior Citizens, costing approximately \$200,000 in lost tax revenue; (b) conservation of the electrical energy program--\$6,000,000 less to go into the General Fund; as well as (c) freezing the appraisals last year.

All these items accounted for over \$1,000,000 of loss in revenues; yet the two-cent discount was maintained.

#### IMPLEMENTING A VOLUNTARY JUNK CAR CLEAN-UP PROJECT

Mr. Gene Saunders, substituting for Mr. Jay Smith, President of the Austin Automobile Dealers, requested implementation of a voluntary junk car clean-up project in certain areas. The Austin Automobile Dealers Association, comprised of 15 new car dealers, filed a list of the Austin automobile dealers for the record. The Automobile Dealers Association was aware of the fine and comprehensive community development program which this Council has evolved for the City and the desire and intent to move as many as possible of the eyesores and environmental problems involved with abandoning junk vehicles particularly in the community development areas. They stated their proposal today was a recognition of and an effort on the part of the Automobile Dealers to reflect their enthusiastic support of the City of Austin for its entire program and in particular the removal and disposition of these junk vehicles.

The entire community development area as involved in the program contains about 805 junk vehicles as classified and defined under the State Law and would be defined when the City passes such an ordinance. Their plan was to begin in districts 3 and 4, the districts the Council approved for the first phase of the program. Mr. Bonner outlined the workable program which is a voluntary program. They had a plan for locating and identifying the vehicles, and attempting to secure voluntary permission to remove the vehicles.

The dealers presented to the Council a program in which they would obtain permission from the owners of the automobiles to have a wrecker remove these vehicles. This will be done at no cost to the City and no cost to the owner of the vehicles. When removed, the junk cars would be sold to a demolisher. The value of these vehicles will run about \$15.00. The Association believed the removal of these cars in these two districts would be completed in six or eight weeks. At this point, Mayor Butler noted that the Automobile Dealers Association would be contributing about \$2,500 of services. Mr. Bonner stated whatever the amount would be, the Association proposes to donate the entire proceeds above the basic wrecker costs with no charge back to the City of Austin and is asking the City to designate these funds to be used to buy playground equipment in East Austin, the area from which these owners are donating the vehicles. It was their hope to be of assistance to the City in an environmental purpose, and at the same time do something for the area from where the vehicles come.

The procedures were reviewed as to establishing ownership notices and releases. The owners would be contacted and if they thought there was any value in the car, they could make arrangements to dispose of the vehicle. Mr. James Miller of Traffic and Transportation, reviewed the staff's procedures emphasizing this was a voluntary program for the citizens to have these cars removed.

## ANNEXATION HEARING

Mayor Butler opened the public hearing scheduled for 10:00 A.M. on the following annexation. Mr. Bob Coffee, owner of about three acres of this tract, stated he is bounded by the City on the north side by Bull Creek Road and on the west side by Mrs. George Lucas' property. He reported she concurred in his opposition to the annexation. Presently he had no plans to develop the land but in the future, he would develop it and bring it into the City. The annexation of his and Mrs. Lucas' property would do nothing but increase their taxes. Mr. Dick Lillie, Planning Director, explained the reason the City had requested the annexation. He stated these 18 acres, adjacent to the corporate limits, and the land on the south outside of the corporate limits has a veterinary clinic and service station on it. The remaining land on that side of the street is being filled for development. The land fronting on the street farther down has fill in it. The Planning Department had initiated the annexation of this land for three reasons: (1) to bring it under the building and zoning codes of the city; (2) to bring it under the ordinance covering fills; and (3) to give the Planning Commission and the City Council the opportunity to review the fill.

The Planning Director reported the one lot in this area has utilities in place but is not subject to the building and zoning controls. Mr. Coffee said his property was not included in this fill property and he saw no reason why the City limit lines should include his and Mrs. Lucas' property. Mr. Coffee wanted to have a planned development before his property comes into the City. Mr. Coffee did not believe the area should come in piecemeal, but that a larger area be annexed. Mr. Lillie pointed to a State statute that annexation does not follow exactly a property line, but a strip not less than 500 feet. In answer to Mayor Butler, Mr. Lillie stated his recommendation would remain.

Councilman Lebermann moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

18.41 acres of land out of T. J. Chambers Grant - DRY CREEK SUBDIVISION, SECTION TWO, unplatted land, and a portion of FARM-TO-MARKET ROAD 2222. (Initiated by the City of Austin)

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Binder, Lebermann, Handcox, Mayor Butler,  
Councilman Dryden  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

## HEARING AND ORDINANCE VACATING WILDOAK DRIVE

At 10:00 A.M. Mayor Butler opened the hearing to vacate a portion of Wildoak Drive, as requested by the owner of all adjoining property. No one appeared to participate.

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF WILDOAK DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING EASEMENTS IN THE CITY FOR GAS, WATER AND WASTE WATER PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council close the hearing and waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler, Councilmen  
Dryden, Binder  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

#### HEARING ON BEEKEEPING

Mayor Butler opened the public hearing scheduled for 2:00 P.M. on beekeeping. Councilman Binder who had proposed this ordinance reviewed the provisions calling for a water source, beehives limited to four, a requirement of a 6 foot fence, notification to abutting property owners by mail, and provision for a \$20.00 permit fee. Councilman Dryden did not concur in the \$20.00 permit, but did agree with Councilman Binder's safety factors for the citizens, particularly those allergic to the bite of an insect such as a bee. Noting the \$20.00 permit, he stated that item plus the fence would incur quite an expense for those people who have the beehives. Councilman Dryden commended the staff and Mr. Neil Reimer for their interesting research on the habits of the bees. Councilman Binder stated the only reason for the \$20.00 permit was just to keep in line with the services covering the administrative costs to the City, but such a fee would be a burden.

Mr. George Blankenship, Research Scientist with the Applied Research Laboratory, The University of Texas, opposed any ordinance prohibiting or regulating beekeeping. He pointed out beekeeping is one of the oldest professions in existence. Regulations without deep study could spell doom or cause a great deal of damage to the profession. He stated bees are not the vicious little creatures that is supposed. To the contrary, they are gentle and many stings are not by bees but by some other insect. He opposed creation of another city department and another inspector which leads to more taxes and regulations. He referred to the County Agricultural Department from which there is a lot of valuable information. Mr. Blankenship told the group that a hive of bees normally disperses over an approximate 3-mile radius, dividing into 87,584.163 square yards. With one hive of about 50,000 bees at the height of the honey flow with one-fourth of the bees being field workers, there would be perhaps one bee in each 4,000 square yards. With four hives, one might have one bee in each 1,750 square yards or one bee on each two city lots. He added it would be very difficult to overload an area. There are more Yellow Jackets and wasps in the same city area. He stated generally four hives in a 75 foot by 100 foot area would be adequate in all respects. He pointed out there could be a hive that had been captured as a swarm. Inasmuch as swarm control management and production are important to keepers, good equipment is a must and he urged that the word "standard" equipment be deleted and suggested removable frame boxed hives be substituted for "standard" hives. This would more nearly meet the beekeepers' language.

A complete enclosure by a 6 foot solid fence would make an unbearable situation for the bees during the hot summers. The 6 foot solid board fence could be made and the hives facing the fence. Mr. Blankenship recommended to any bee-

keeper that a fresh water supply be provided close to the hive. He saw no reason for notifying the neighbors, as there are bees in hollow trees, attics and walls and other locations. If colonies are registered with the County Agricultural Department, telephone calls to that agency could answer the problem on beekeeping locations. He added that "Austin, the Beautiful City", would not continue if some insect were not pollinating the flowers and shrubs. California pays a beekeeper to move his hives into the area for that service at a premium of \$7.00 per hive, and would accept 7,000 hives. He made mention of this profession in the Bible—"Land of Milk and Honey" and others. He suggested that those being hypersensitive to insect stings should have a special emergency kit. He stated that he hoped that beekeepers would so improve and regulate their habits of tending bees so that no ordinance or regulation would be necessary.

If an ordinance regulating beekeeping is deemed necessary, he recommended that all colonies of bees be registered with the County Agricultural Agency. He recommended that the colonies of bees be kept in removable frame hives maintained in good repair, a suitable fence be erected around the hive and that if the hives are located closer than 25 feet from the adjacent property line and natural shrubs and trees are not available, that a 6 foot solid board fence extending in a 45 degree angle be set so as to disperse the bees upward, a fresh water supply be located within 15 feet of the hive, and that diseased bees be destroyed. He estimated there were about 15 or 20 beekeepers in Austin, and on an average lot, there would be no greater than four or five hives. In answer to Mayor Butler, Mr. Blankenship checked with four doctors but did not find where any of the four had treated hypersensitive conditions within the last 18 months.

Councilman Binder in discussing the ordinances of other states, stated they found no ordinance in the United States affecting bees that did not attempt to ban them. He was trying to get an ordinance that would not ban the bees but allow beekeepers to participate in their beekeeping. Mr. Blankenship likewise opposed the \$20.00 permit fee. As to the deleting of the fee, Mayor Butler noted this would be a departure from the rule that the Council is trying to establish on a much larger number type item, being that those who receive the services pay for them, and fees have been raised in many areas. Mr. Blankenship further described the habits of the bees.

Dr. George Nakis, Professor at the University of Texas, spoke for his wife and himself and several neighbors on West 22nd Street, some being elderly people who are allergic to bee stings as well as other stings. Dr. Nakis emphasized the human aspects. He was concerned over the situation of several beehives, not just four but a dozen or more living within a few yards from the residents next door where the people live normal lives in their yard. He emphasized also the suffering they have despite the treatment that had been recommended. Noting that 200 persons die every year, he wanted this hazard obviated. He would endorse strict regulations to limit the number of bees, and to confine them to areas within yards away from the next residence. He would expect the water to be kept there rather than the neighborhood pool. He would want abandoned beehives or semi-abandoned beehives to be eliminated. He favored some sort of inspection by some authority to protect those who suffer.

Dr. John J. Winter, Medical Clinic, had written a letter stating that Dr. George Nakis had been under his care for the past two years for coronary artery disease and among other things, he is hypersensitive to bee stings. With his neighbor's keeping beehives, Dr. Winter stated there is a potentially dangerous

situation and moving the hives from the area of Dr. Nakis' home might save a catastrophe. He favored having an ordinance to protect people from such hazards.

Mr. Lester Haines, teacher of science at Bedichek Junior High School, said he was a beekeeper. He commended the aide who did the legal research in that beekeepers might be liable in many instances. Mr. Haines felt that the beekeepers could maintain their equipment, hives, etc., without being regulated. They are being regulated by the State and in some instances by the Federal Government. There have been no laws in Texas for years regulating the type of hives, and there is now a group of inspectors paid on State salaries. The beehives are to be registered and the registration costs about \$.50. Mr. Haines stated there is a situation where there are two queens in a hive called Double Queen, and after brief discussion, it was decided that these hives would be listed as one. Mr. Haines explained the limitation of only four hives in that if there is a swarm of bees, these beekeepers who handle the swarms would be in violation if someone called and asked them to take a swarm from their property. Exterminators could not kill a colony as it would be a violation of federal law. Mr. Haines wanted to give the Council other reference as to the various laws of the Federal Government, relating to subsidies and movement across state lines. State regulation mostly deals with control of diseases.

In conclusion, Mr. Haines expressed opposition to being regulated to the degree of the number of hives. Councilman Dryden stated something must be worked out, and he called attention to stings of wasps, yellow jackets and other insects that would be hazardous and there is no control over them. He wanted to work something out for both sides, and emphasized the carrying on one's person the antihistamine drug and let the people know they could protect themselves.

Mr. Phillip Lowell of Brady Incorporated, stated he had two hives of bees that he keeps and he uses one hive for honey as a hobby. He saw the problem under consideration not as one of number of hives, but of what you might call the nuisance value. He could not figure out what an inspector would do for him. His idea was to have some kind of a minimum that people could call for and have enforced as opposed to forcing one to build an enclosure. He thought the 6 foot fence was too high and stated that \$20.00 a year was too high also.

Councilman Dryden suggested that at this time the Council take the points that have been brought out by Dr. Blankenship, Mr. Haines, Mr. Lowell and Dr. Nakis and do a little more research and come up with something that would protect the citizen and an ordinance that would not deny or limit the hives; and that Councilman Binder, who did this work and made the proposal, meet with Dr. Blankenship and Mr. Haines and come up with something so that all may benefit. Mr. Frank Gorman stated there were too many ordinances passed around City Hall and he asked that some of them be cut out. Mr. Gorman then suggested the Council table it.

In conclusion, Councilman Dryden asked all interested parties to get in touch with Councilman Binder within the next week or so and come up with something agreeable and at the same time protect the people.

## APPOINTMENT OF JUDGES

Mayor Butler recognized Judge Allen Hill, stating Judge Hill is leaving the City personnel to enter into private practice. They were pleased that they found someone of the stature and ability of Mr. John Brady, who is a 24 year practitioner of law in the City of Austin, and they knew that he would bring dignity and knowledge to the Court. Mayor Butler stated the Council wanted Judge Hill to meet his successor and help him in any way in effecting a smooth transition.

Judge Brady expressed appreciation for this opportunity to serve in this capacity, and he assured this Council and the people of Austin that everyone that came in contact with the Court would be treated with dignity, respect, and fairness.

Mayor Butler announced the appointment of a new Associate Judge, Rob Robertson, who is in private practice of law in the City of Austin; and it is with pleasure that the Council appointed him as a new Associate Judge for the new Court that will soon be functioning. Mr. Robertson thanked the Council for its confidence in selecting him for this position. He stated he would work hard with Judge Brady, with Judge Howell, and with the relief judges.

The Mayor also on behalf of the Council announced two additional relief Judges which the Council had appointed. One was Miss Sara Phillips, who has been in private practice in Austin for five years. Miss Phillips expressed her thanks for the Council's faith in her. Also recognized was Mrs. Harriet Murphy, who has made many civic contributions, who is a member of the Austin Energy Commission, is with Huston-Tillotson College and has been licensed to practice law for some time. Mrs. Murphy thanked the Mayor and Council members for bestowing this great honor upon her. She stated she was the first black woman appointed in the whole State of Texas as a Judge, and acknowledged this great honor. It was pointed out that if she were not the first woman judge in this court, it was because Miss Phillips was the first woman judge appointed in this Court. It was stated both ladies were appointed simultaneously.

Mayor Butler announced the Court now has a full compliment of judges, both full time and relief judges. Judge Hill will be recognized at a later time, as he will be Judge until October 1st.

## CITIZEN APPEARANCE

Mrs. Burmah Grace Hunt submitted a number of complaints, some pertaining to discrimination, starting as far back as 1963. In this category, she said she could not get a doctor and had to go elsewhere to find one. Now she cannot find a lawyer to represent her, not even the Legal Aid. As to the hospital, she stated she had been there three times as an emergency case. She alleged mistreatment each time. She enumerated a number of complaints--the diet, timing of her release from the hospital, and a bill completely out of line with the services. As to her tax complaint, Councilman Dryden explained she could appeal from the Board of Adjustment to the Council if she wanted to.

Councilman Dryden had some records available and told Mrs. Hunt her doctor had admitted her to the hospital, treated her, she recovered, and that spoke well of the situation. Councilman Dryden stated that although the Council did not have all of the answers to her complaints, it was fine that she was back on her feet, feeling well. He complimented her on her presentation and stated that no one would

want to discriminate against a lady of her status, her intelligence and a lady who had contributed what she had to this City. He thanked her for her presentation.

#### CARTRANS PROJECT

Mr. Lyndon Henry appeared before the Council to request the establishment and funding of a CARTRANS (Capital Area Rapid Transit System) project, stating on July 26, the Council authorized him, representing Texas Association for Public Transportation, to meet with the City Manager's office to explore the possibility of engineering studies of their recommendation of a Capital area rapid transit system. Conferences had been held with the City Manager's office, Traffic and Transportation Department, Urban Mass Transportation Administration of the Federal Government and the Capital Area Planning Council. As a result of these conferences, he reported the following situation in regard to the overall transportation picture.

At the present time, an application for the entire Capital area region is being put together by the Capital Area Planning Council. There are quite a few elements that are feeding into this overall technical study application. One of these elements would be the Capital Area Rapid Transit System project proposal for a technical study of the project. The question that has arisen is the extent to which this proposal will be studied and its comprehensiveness. In view of the fact the Federal Government will not have any funds available until approximately February for a technical study, Mr. Henry stated they had come to a conclusion that in order to get things moving in the area of study and coordination of planning of the Capital Area Rapid Transit System project that a local finance project office should be initiated, whether it be a part of an existing department, or Traffic and Transportation Department or an independent project.

In the area of large scale systems of the scope of the Capital Area Rapid Transit project, the tendency of cities throughout this country and Canada is to move in a direction of a regional transportation authority. Houston is an example. He spoke again of the intensive study and planning involved. He stated they were recommending an establishment of this office or project which would consist at this point of a project manager and a secretary in order to facilitate and properly coordinate the planning of the complex nature involved in a proposal of this magnitude. This is a proposal of an initial route of about 19 miles at a cost estimate of \$144 million. This route would extend up to Georgetown and down to San Marcos connecting major portions of the Capital area.

In answer to Mayor Butler, Mr. Henry stated they were asking for the establishment of a project that he had provided an outline for. A cost of \$21,192 would be the local share of this proposal. This local share would cover the administrative cost of the study and planning project that he was talking about. They visualized the use of consultants, but those costs would have to be worked out. Mayor Butler called on the City Manager for his recommendation. Deputy City Manager Reed stated the CARTRANS proposal is one that deserves study and they have made provisions to include a study of the proposal along with other proposals in a comprehensive transportation planning program which has already been initiated. Only the first phase of the project has been completed. They are now making an application for a comprehensive transportation planning program that would include this project. For that reason, they could not recommend the approval of the

proposal that is before the Council today and they do recommend that they proceed on the path they have already started to make the comprehensive transportation plan.

Mayor Butler stated the Council at this time was not in a position to overrule or act in opposition to the City Manager's recommendation. He suggested that Mr. Reed and Mr. Henry pursue the matter further. Mr. Reed stated they would like for Mr. Henry to work in an advisory position with them. There is already a member of the staff who will be working exclusively on the transportation planning as well as the staff they have all the time. Mr. Reed discussed federal funds in that they would not fund a specific project for planning purposes. Mayor Butler recognized the amount of work Mr. Henry had done and his presentation through the slides but the Council is not in a position to grant his request this morning. They needed some time to pursue this further.

Councilman Dryden stated this proposal did not have this kind of money and suggested that the recommendation of the City Manager be upheld and continue this study with appointed City employees pursuing and studying this matter and that it be continued in the same vein as it now is. The Mayor stated the suggestion was well taken and the Council could continue to monitor the situation to see how it is progressing and take another look at it. Councilman Handcox wanted to get an update from the department to see where they stood. The Mayor asked Mr. Reed to see that Mr. Henry is invited to the presentation. Councilman Lebermann stated at that time, they could also invite the Capital Area Budget Committee of which he was a member, and also the Transportation Committee and the Austin Transportation Planning Policy Committee. A good deal of expertise can be brought in from these various committees. He would hope this study would be completed about the same time of Austin's Tomorrow Program. He said the Council was moving in many areas toward the solution of this question.

#### REPORT REGARDING TWO-WAY RADIOS

Mr. James Thompson, Sales Manager for several areas from Motorola, was present to answer questions. Deputy City Manager Reed gave a background of the problems the City had experienced. The item in question is an order for 28 radios placed by the City on April 11, 1973, with a stated delivery date on the purchase order of August 18, 1973, a \$36,000 item.

Mayor Butler had asked Mr. Thompson and his representatives from Motorola to come before the Council today. He reviewed the problems, one being that the Police Units are operating off of handy-talkie sets because the other sets had not been delivered. He emphasized performance on this contract as a very integral part of the contract as well as price and quality. Mayor Butler gave a resume of the various changing shipping dates, and noted there was an attempt in the company to substitute an inferior radio for the Motrack equipment. Mr. Jim Lawrence recalled that in February the contract included not only the 28 radios but several other radios for the City's departments. Through a mistake, he had transposed the numbers on delivery on this particular item to 210 instead of 120 days. The error was never realized.



The Mayor questioned Mr. Thompson on various aspects of furnishing the equipment called for, the timing, and why there was a possible substitution. He said had there not been a sharp purchasing agent who knew about radios, the City could have been given or sold a lower line, and there is no question but that the MoCom is a lower line and less expensive than the Motrack. Mr. Thompson stated it was not a lower line and not as expensive as the Motrack; that the MoCom 70 was less expensive than the Motrack. He stated they were supplying MiCore. Mr. Rogers, Fleet Administrator, told the representatives the MoCom 70 was not acceptable in lieu of the Motrack. Then, they came back with the other, a higher line of radio.

Mr. Thompson pointed out the City needed some radios right now. Their problem is that this radio they are supplying to COG and to the City is a highly special radio and takes longer manufacturing time to produce. Their proposal today is they do not want to create problems in the Police Department; and he stated if it would help the Police Department, they were willing to supply 10 standard Micore radios that could be placed on the ten cars within two to three weeks. Those on order will not be shipped until November 17th. Police Chief Miles stated there were 10 patrol units and eight supervisor cars operating without any radios.

In response to Mayor Butler, Mr. Rogers stated the delivery performance of Motorola in the past had been very good and in several cases, they exceeded their time. This is the first time there had been any difficulty. Mr. Thompson explained this radio would not have to be removed from the car. The accessories could be left in and it would be the same radio. They were going to put an eight frequency radio in the car. The cabling kit and housing would be identical, and all they would have to do was to change the control head and the trunk unit. Councilman Lebermann suggested accepting this proposal. Mr. Thompson apologized for any situation that was not good and assured the Council that it would not happen in the future.

Mr. Jim Ball explained the FACTS Radio-Telephone system stating in order to meet the regulation for public safety service, they would have to have a special radio also. It would be the normal delivery on the terminal of about 120 days. Since it is a special item, he stated 26 weeks would give them time to meet their commitment.

Councilman Lebermann moved the Council approve the contract with Motorola including the additional five units recommended by the City Manager at this price, making a total of 15 units. This finished out with the other contracts a through h, under item C. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler, Councilmen  
Dryden, Binder  
Noes: None  
Absent: Mayor Pro Tem Love, Councilman Friedman

Mayor Butler asked that the City Clerk show that they have a total of 15 units.

Mayor Butler had a question raised about the expenditures and he explained the monies involved came from Revenue Sharing Funds, not out of local tax payers' money. He pointed out the advantages of the City's purchasing the radios.

In 58 months, based on the amount the City currently pays the telephone company to rent radio equipment, the radios would be paid for. The City presently has about one line for 50 subscribers, and there are about 150 subscribers on the Bell system with three lines. The new equipment would improve availability by about 333 per cent. The procedure is in line with the previous City policy of buying rather than renting wherever possible. The amount spent on the radios is about one per cent of the revenue sharing funds. The equipment could be allocated to 15 additional personnel and could be expanded to department heads if the City Manager felt the needs were justified.

#### ZONINGS SET FOR PUBLIC HEARING

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing on November 1, 1973:


LEE ARTHUR WOOD by Hal H. Haralson C14-73-138	1508-1514 Parker Lane	From "BB" Residence to "O" Office
CHARLES C. ALLISON, D.V.M. and C. R. GILSTRAP by Terry J. Sasser C14-73-141	5508-5510 King's Highway 1700-1800 Stassney Lane	From Interim "A" Residence 1st Height and Area to "C" Commercial 1st Height and Area (Tract 1) and "O" Office 1st Height and Area (Tract 2)
UNIVERSITY VILLAGE, LTD. by J. B. Hightower and J. David Peck C14-73-155	701-713 West 24th Street 2304-2310 Rio Grande Street	From "C" Commercial 2nd Height and Area to "C-2" Commercial 2nd Height and Area
E. C. BRADSHAW, FRANCES BRADSHAW and MORRIS CAMPBELL by Clyde H. Welch & Martin H. Boozer, Jr. C14-73-190	4101-4103 South First Street 511-515 Clarke Street (as amended)	From "A" Residence to "C" Commercial
EMIL ROOS C14-73-191	70 Comal Street 1506-1508 Garden Street	From "A" Residence to "LR" Local Retail
NOELINE S. HARRIS, TRUSTEE by Edward J. Jennings C14-73-195	5401-5427 South Congress Ave. 1101-1111 Mocking- bird Lane 5400-5424 Wasson Road	From Interim "A" Residence 1st Height and Area to "C" Commercial 1st Height and Area

RALPH BALLARD by Bern Ballard C14-73-197	2804-2806 and rear of 2802 South First Street	From "A" Residence and "GR" General Retail to "LR" Local Retail
FARM and HOME SAVINGS ASSOCIATION by Joe Gilbreth C14-73-198	4925-4949 Frederick Lane 1912-2030 Teri Road	From Interim "A" Residence 1st Height and Area to "LR" Local Retail 1st Height and Area
AUSTEX DEVELOPMENT CO. LTD, by Louis Kirchofer, Jr. C14-73-199	5300 Block of Westgate Blvd. and also bounded by Williamson Creek	From Interim "A" Residence 1st Height and Area to "BB" Residence 1st Height and Area
TERRELL TIMMERMANN C14-73-201	102-104 North Loop Boulevard	From "A" Residence to "O" Office
B. E. BREELAND by Jerry Winetroub C14-73-202	917-919 West Anderson Lane	From "C" Commercial to "C-2" Commercial
MARY BLOCKER DAVIS by Robert C. Sneed C14-73-203	1100-1110 Colorado Street 200-210 West 11th Street 1101-1111 Lavaca St.	From "C" Commercial 3rd Height and Area to "C" Commercial 4th Height and Area
DISCOVERY PROPERTIES, LTD. C14-73-204	1926 E. Riverside Dr.	From "GR" General Retail to "C-2" Commercial
TOM BRADFIELD, ET AL by W. T. Carson C14-73-205	2833-2937 Barton Skyway	From Interim "A" Residence 1st Height and Area to "BB" Residence 1st Height and Area
ODAS JUNG by Joe Jung C14-73-206	1500-1502 Summit St. 1501-1503 South IH 35 1501-1505 Elmhurst Drive	From "A" Residence 1st Height and Area to "O" Office 2nd Height and Area
C. B. CARPENTER and NORMAN LUTERMAN C14-73-207	8030 Mesa Drive	From "LR" Local Retail to "C-2" Commercial

## ADJOURNMENT

The Council then adjourned.

APPROVED:

  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk